WP(C) 5372/2007
BEFORE

THE HON'BLE SMT. JUSTICE A. HAZARIKA

Heard Mr. P Sarma, learned counsel for the petitioner. Also heard Mr. MK Mishra, learned Standing Counsel, Education Department.

The instant writ petition has been filed for a direction to the respondents authorities to release the arrear subsistence allowance to the petitioner as per existing Service Rules from the date of his suspension, i.e. 25.10.04.

Taking into consideration, the factual aspects of the matter and as agreed to by the learned counsel for the parties, this writ petition is taken up for final disposal at the motion stage itself.

The petitioner's case, in brief, is that, he was temporarily appointed as Grade-IV employee under Respondent No.3 on 16.12.98. He became senior most Grade-IV employee and he was allowed to work in the post of LDA. The petitioner was continuing as such under the respondents authorities since his date of initial appointment. Suddenly on the basis of a false criminal case, filed against the petitioner in the month of October, 2004, vide order dated 25.10.04 passed by the Respondent No.3, the petitioner was placed under suspension with immediate effect. Pending drawal of the departmental proceeding of the said order, he was allowed to draw the subsistence allowance during his suspension period. However, till date, he has not been paid any subsistence allowance as per statements made on oath in the writ petition. To that effect, the petitioner has submitted representations before the authority concerned. But the same evoked no response. Thus finding no other alternative, petitioner has approached this Court by way of filing this writ petition with the aforesaid prayer.

Payment of subsistence allowance to a suspended Govt. employee is no more res integra. It is an admitted fact that the petitioner is a Govt. employee, he was placed under suspension in the year 2004 itself and he has not been paid subsistence allowance till date.

The writ petition is thus disposed of directing the respondents authorities, more particularly, Respondent No.3 to pay the subsistence allowance to the petitioner for the period of suspension as per his entitlement and in accordance with the relevant rules. The petitioner shall submit a certified copy of this order alongwith a copy of the writ petition before the Respondent No.3 for doing the needful.

The Respondent No.3 shall pay the amount to the petitioner within a period of three months from the date of receipt of a certified copy of this order.No cost.